IN RE: PETITION FOR ZONING VARIANCE W/S York Road, 900' N of the

* BEFORE THE c/l of Bee Tree Mill Road * ZONING COMMISSIONER (20804 York Road) 7th Election District * OF BALTIMC. COUNTY

Terrence L. Boegner, et ux Petitioners

3rd Councilmanic District

* * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

* Case No. 89-301-A

The Petitioners herein recest a variance to permit front and side yard setbacks of 41 feet each in lieu of the required 50 feet for an existing dwelling and an amendment to the Final Development Plan of Bee Tree Mill in accordance with Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Ronald A. Decker, Esquire. Also appearing on behalf of the Petition was J. Finley Ranson, registered professional land surveyor. There were no Prot-

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, Stherefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

> J. FINLEY RANSONE & ASSOCIATES REGISTERED LAND SURVEYORS P.O. Box 10160 TOWSON, MARYLAND 21285-0160

> > 666-7448

ZON ING DESCRIPTION 20804 YORK ROAD

Beginning on the west side of York Road at a distance of 900 feet more or less from the center line of the existing paving of Bee Tree Road. Being known as Lot No. 5 in the subdivision of "Bee Tree Mill", Section One and recorded in Platbook No. S.M. 58 Folio 48. Also known as 20804 York Road in the 7th Election District of Baltimore County,

THEREFORE, IT IS ORDEFED by the Zoning Commissioner for Baltimore County this 100 day of February, 1989 that the Petition for Zoning Variance to permit front and side yard setbacks of 41 feet each in lieu of the required 50 feet for an existing dwelling, and an amendment to the Final Development Plan of Bee Tree Mill, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Zoning Commissioner for Baltimore County

MOTICE OF HEARING

The Zoring Commissioner of Baltimore County, by suthority of the Zoning Act and Regulations of Baltimore County with hold a public hearing on the property identified herein in Room 10° of the County Office Building, to-cated at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zening Variance
Case number: 89-301-A
W/S York Road, 900'-M c/
Bee Treb-Mill Fload
20804 York Road
7th Election District
3rd Councilmanic
Petitionary (1)

Variance: to permit a front and side yard setback of 41 feet in lies of the required 50 feet and ar

amendment to the Final Development Pten of See Tree Mill.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issued of said control towards.

suance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the data of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County 01/099 Jan. 12.

JRH:bjs

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 16, 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on Jan 12.1989.

> THE JEFFERSONIAN TOWSON TIMES.

5. Zahe Orlan

PO 08945 rea Mas 172 case 89-301-A Price \$95.29 TT + J

> 89.301-A CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towsen, Maryland

| District 7 th | Date of Fosting 222407 11, 1989 |
|--------------------------------------|-----------------------------------|
| Posted for: TAUGUCU | <i>V</i> |
| Petitioner: Terrence L. B. | egreen, it sel |
| Location of property: W/S 21orh Road | -906'71 c/L Bu True Mill Road |
| 20864 HAR Road | |
| Location of Stone Dr. Groat of and | act preperty at 2 cfc4 York Pond |
| | |
| Remarks | |
| Posted by S.J. Grata | Day 10 -1 13 1499 |
| Signature Thusbart of Signature | Date of return: January 13, 1999. |

Baltimore County Zoning Commissione Office of Flanning & Zoning Towson, Maryland 21204 (301) 887-3353

Ronald A. Decker, Esquire e.

Moore, Carney, Ryan & Lattanzi 4111 E. Joppa Road, Suite 201 Baltimore, Maryland 21236 RE: PETITION FOR ENGINE VARIANCE RE: PETITION FOR ZONING VARIANCE W/S York Road, 900' N of the c/l of Bee Tree Mill Road (20804 York Road) - ct - 200 (2000 - 200)
7th Election District - 3rd Councilmanic District Terrence L. Boegner, et ux - Petitioners

Dear Mr. Decker:

Case No. 89-301-A

3 341 X 7 44-4-

above-cap Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

February 1, 1989

able, and In the event any party finds the decision rendered, is numbered able, any party may file an appeal to the County Board of Appeals within thirty (30), days of the date of this Order, to For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391. Marie Committee The same of the sa JRH:D)s
JRH:bjs for Baltimore County

Management Co. of Person and Co. on the cc: People's Counsel

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 Date: 1/17/89

J. Robert Haines Zoning Commissioner Mr. & Mrs. Terrence L. Boegner 2409 Eastridge Road Timonium, Maryland 21093

Re: Petition for Zoning Variance CASE NUMBER: 89-301-A W/S York Road., 900' N c/l Bee Tree Mill Road 20804 York Road 7th Election District - 3rd Councilmanic Petitioner(s): Terrence L. Boegner. et ux HEARING SCHEDULED: TUESDAY, JANUARY 31, 1989 at 2:00 p.m.

VALIDATION OR SIGNATURE OF CASHIL

Dear Mr. & Mrs. Boegner:

Please be advised that 10.29 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office

Building River II) minutes before No. 059708 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION d post set(s), there MISCELLANEOUS CASH RECEIPT r each set not 11-01-615-000 RECEIVED Telence L. Brence nes

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Development Plan of Pee Tree Mill.

Contract Purchaser:

(Type or Print Name)

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 1804.1.B.3. To permit a front and side yard setback ofAl feet in lieu of the required 50 feet and an amendment to the Final

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the ... NIV371 following reasons: (indicate hardship or practical difficulty) Petitioner requests a variance from the front and/or side yard

Property is to be posted and advertised as prescribed by Zoning Regulations.

setback requirements by allowing a setback of 41.70°. The existing 7 4 dwelling was constructed within the 50° setback so that the front. dwelling was constructed within the 50' setback so that the front! right corner of the house is within the setback area. There is 1-1-4-25-4 no way to comply with the setback requirement without practical difficulty and unreasonable hardship.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm.

under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Terrence L. Boegner (Type or Print Name) - Jerence L Decour Mary J. Boegner (Type or Print Name)

Attorney for Petitioner: Ronald A. Decker 2409 Eastridge Road (Type or Print Name) Timonium, Maryland 21093 Signature Moore, Carney, Ryan & Lattanzi

Name, address and phone number of legal owner, con tract purchaser or representative to be contacted Baltimore, Maryland 21236 Terrence and Mary Boegner

Attorney's Telephone No.: (301) 529-4600 2409 Eastridge Road, Timonium, MD 21093 ORDERED By The Zoning Commissioner of Baltimore County, this 16th day

of _______, 19_\$%, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 31st day of 3AN, 1989, at 2 o'clock

Zoning Commissioner of Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-301-A 비/S York Road., 900 N c/l Bee Tree Mill Road 20804 York Road 7th Election District - 3rd Councilmanic Petitioner(s): Terrence L. Boegner, et ux HEARING SCHEDULED: TUESDAY, JANUARY 31, 1989 at 2:00 p.m.

Variance to permit a front and side yard setback of 40 feet in lieu of the required 50 feet and an amendment to the Final Development Plan of Bee Tree Mill.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however. period for good cause snown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Zoning Commissioner of Baltimore County cc: Mr. & Mrs. Boegner Ponald A. Decker, Esq.

Dennis F. Rasmussen

BALTIMOPE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

Petitioner Serverce L. Rosmer, et meceived by: Ronald A. Decker

Chairman, Zoning Plans Advisory Committee

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

> December 29, 1988 Paul H. Reincke

J. Robert Haines, Zoning Commissioner Office of Planning & Zoning Baltimore County Office Building Towson, Maryland 21204

Re: Property Owner: Terrence L. Boegner, et ux

Location: W/S York Rd., 900' N. of c/1 of Bee Tree Mill Road Dennis F. Rasmussen County Executive Zoning Agenda: Meeting of 11/15/88 Item No.: 189

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Like Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Onto Special Inspection Division

NOTED & Fire Prevention Bureau

Special Inspection Division

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 23, 1989

COUNTY OFFICE BLDG. 111 w. Chesapeake Ave. Towson, Maryland 21204

State Roads Commissio

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Industrial

Zoning Administration

Burcau of

Ronald A. Decker, Esquire Moore, Carney, Ryan & Lattanzi 4111 East Joppa Road, Suite 201 Baltimore, Maryland 21236

RE: Item No. 189, Case No. 89-301-A Petitioner: Terrence L. Boegner, et ux Petition for Zoning Variance Department of Traific Engineering

Dear Mr. Decker:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dynlo JAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: J. Finley Ransone & Associates P.O. Box 10160 Towson, MD 21204

Maryland Department of Transportation State Highway Administration Rishard H. Trainor Secretary Hal Kassoff

November 16, 1988

Mr. J. Robert Haines Mr. J. Robert Rainer
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer Pe: Baltimore County Terrence L. Boegner Property Bee Tree Mill Zoning meeting 11/15/88 W/S York Road 900' north of the centerline of Bee Tree Mill Road Item #189

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a front and side yard setback of 41' in lieu of the required 50', rront and side yard secoack of 41 in field of the required 50 ; and an ammendment to the final development plan of Bee Tree Mill, we find the plan acceptable having all access to York Road previously approved.

If you have any questions, contact Larry Brocate (333-1350).

Very truly yours,

Chief Bureau of Engineering Access Permits

cc: J. Finley Ransone and Associates J. Ogle

> My telephone number is (301) 333-1350 Teletypewriter for Impaired Hearing or Speech
> 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
> 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

November 25, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

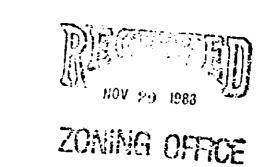
ZAC - Meeting of November 15, 1988 Item Nos. 152, 183, 184, 186, 187, 188, 189, and 190.

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 152, 183, 184, 186, 187, 188, 189 and 190.

Traffic Engineer Associate II

MSF/lvw



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines January 23, 1989 TO Zoning Commissioner Pat Keller, Deputy Director
FROM Office of Planning and Zoning

Zoning Petition Nos. 89-292-A (Tripec Assoc.); 89-293-XA (Brune); 89-294 (Manor Health); 89-296-A (Chamaral); 89-297-A (Alderman); 89-298-A (Catonsville Baptist): 89-300-A (Hall); 89-301-A (Boegner)

The Office of Planning and Zoning has no comment on the above petitions.

PK/sf

• 49-301A

| ASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET | |
|--|--|
| NAME TERRENCE BOEGNER MARY BOEGNEY Roul O A. Decker J. Finly Ransone | 2409 Eastridge Rd 21093
2409 Eastridge Rd 21093
4111 E. Jupia Rd 21236
P.O.Box 10160 Towson Md 21285-0160 |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

